

DEVITT SPELLMAN BARRETT, LLP

ATTORNEYS AND COUNSELLORS AT LAW

50 Route 111

Smithtown, New York 11787

Phone: (631) 724-8833

Fax: (631) 724-8010

Email: info@devittspellmanlaw.com

THOMAS J. SPELLMAN, JR.
WILLIAM J. BARRETT
KEVIN M. SPELLMAN
JELTJE de JONG
FRANCIS J. TIERNEY
DAVID S. PALLAI
JOHN M. DENBY
DAVID H. ARNTSEN

ANDRE N. POULIS
KENNETH M. SEIDELL
JOHN M. SHIELDS

STEPHAN D. TRACE
KELLY E. WRIGHT
NICHOLAS M. BRINO
CHARLES W. BORGHARDT
JOSHUA S. SHTEIERMAN

Retired
JOSEPH P. DEVITT

Of Counsel
THOMAS SICA
STEFANIE AFFRONTI
DEBORAH C. ZACHARY

September 6, 2012

Magistrate Judge A. Kathleen Tomlinson
United States District Court
Federal Plaza
P. O. Box 9014
Central Islip, N.Y. 11722

Re: Proctor v. Cagno, et al
Docket No: 10 CV 5981
Our File: SO6154W9

Dear Magistrate Judge Tomlinson:

This firm represents the Southampton defendants in connection with the above matter. We write to request leave to file an Amended Answer to plaintiff's Second Amended Complaint. The reason for the desired amendment is to include a jury demand. We have already spoken with plaintiff's counsel, Steven Krawitz, who has indicated that he consents to the proposed amendment.

As such, we respectfully request that the Court grant the relief requested herein. Thank you for your courtesies.

Respectfully submitted,

DEVITT SPELLMAN BARRETT, LLP

/s/

Kelly E. Wright

cc: Stephen R. Krawitz, Esq.
VIA ECF ONLY

*Motion GRANTED based on
representation that Plaintiff consents.*

SO ORDERED

S/

A. Kathleen Tomlinson
United States Magistrate Judge

Date: Sept. 7 20 12
Central Islip, N.Y.